

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 15 AUG 2005

PCT

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Applicant's or agent's file reference R029 1410PCT	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/US04/33760	International filing date (day/month/year) 12 October 2004 (12.10.2004)	Priority date (day/month/year) 24 October 2003 (24.10.2003)	
International Patent Classification (IPC) or national classification and IPC IPC(7): B65D 71/00 and US Cl.: 229/117.16, 199, 242; 206/427			
Applicant GRAPHIC PACKAGING INTERNATIONAL, INC.			

- This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 4 sheets, including this cover sheet.
- This report is also accompanied by ANNEXES, comprising:

a. ☐ (sent to the applicant and to the International Bureau) a total of ___ sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s))

_____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

- This report contains indications relating to the following items:

☒ Box No. I Basis of the report

☐ Box No. II Priority

☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 28 February 2005 (28.02.2005)	Date of completion of this report 14 July 2005 (14.07.2005)
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer Gary E. Elkins <i>Dion Smith</i> Telephone No. (703)308-1078

Form PCT/IPEA/409 (cover sheet)(January 2004)

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International application No.

PCT/US04/33760

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☒ the international application as originally filed/furnished
- ☒ the description:
pages 1-11 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- ☒ the claims:
pages 12-19 as originally filed/furnished
pages* NONE as amended (together with any statement) under Article 19
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- ☒ the drawings:
pages 1-7 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 1-35 YES

Claims NONE NO

Inventive Step (IS)

Claims 1-35 YES

Claims NONE NO

Industrial Applicability (IA)

Claims 1-35 YES

Claims NONE NO

2. Citations and Explanations (Rule 70.7)

Claims 1-35 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a carton including the combination of a handle aperture formed in a top end flap, an aperture in side end flaps aligned with the handle aperture in the top end flap and a paperboard insert with a handle aperture aligned with the other apertures and secured to one of the top end flap and the side end flaps. The patents to Rhodes et al and Wilson evidence the concept of providing handle apertures in the top end flaps and side end flaps of a carton, but fail to suggest reinforcement of such a handle construction. The patent to Collins evidences an endwall handle reinforcement (162) for handle apertures formed in the end walls of a carton, but fails to suggest reinforcement of a handle construction as specifically defined in the claims.

Claims 1-35 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

----- NEW CITATIONS -----

US 6,631,803 B2 (RHODES et al) 14 October 2003, see entire reference.

US 5,072,876 A (WILSON) 17 December 1991, see entire reference.

US 4,757,938 A (COLLINS) 19 July 1988, see entire document.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: